

# **EXHIBIT 10**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP,

Plaintiff,

v.

AMAZON.COM, INC.,  
AMAZON.COM SERVICES LLC, and  
AMAZON WEB SERVICES, INC.,

Defendants.

Civil Action No. 7:24-cv-00030

JURY TRIAL DEMANDED

**DECLARATION OF PHIL ESTES  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS OR TRANSFER**

I, Phil Estes, declare and state as follows:

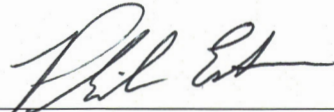
1. I am a Principal Engineer at Amazon Web Services, Inc. (“AWS”), which is a subsidiary of Amazon.com, Inc. (“Amazon”). My role at AWS involves developing and maintaining the container technologies used by AWS, including the Elastic Container Service (“ECS”). I have worked at AWS in this role since January 2021.

2. I am also the Chair of the Technical Oversight Board of the Open Container Initiative and a member of the Technical Steering Committee for the Moby Project, an open-source container project created by Docker, Inc. I also often present on container technology at industry and developer conferences. I make this declaration based upon my personal knowledge and if called upon to testify, could and would testify competently to the matters set forth herein.

3. I am familiar with the design and development of ECS, including how containers are created from images, how images are created, and how containers are deployed and run. These features are provided by third-party software originally developed by Docker, Inc. In particular, ECS relies on Docker images, which are templates for Docker containers. The Docker component responsible for creating these images is called “BuildKit.” ECS also relies on Docker software for creating and deploying Docker containers from a Docker image using writable container layers.

4. As a contributor and maintainer of open-source container technologies that Docker originally developed, I am familiar with the individuals responsible for the development and maintenance of these Docker features. Tonis Tiigi, a Docker engineer, is responsible for the development and maintenance of BuildKit. Another Docker engineer, Derek McGowan, is responsible for Docker functionality that implements writable container layers. Mr. McGowan is also part of the core team that maintains “containerd,” a Docker component that was spun out into its own project and that many companies, including AWS, use to run their services.

I declare under penalty of perjury that the foregoing is true and correct, this 29<sup>th</sup> day of  
May, 2024 at Charlottesville, Virginia.

  
\_\_\_\_\_  
Phil Estes

June 11, 2024

Respectfully submitted,

*Of Counsel:*

By: /s/ Jeremy A. Anapol

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*Amazon.com Services, LLC*  
*and Amazon Web Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2024, all counsel of record who are deemed to have consented to electronic service were served with a copy of the foregoing via the Court's CM/ECF System.

/s/ Jeremy A. Anapol  
Jeremy A. Anapol